

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

INTEL CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-429 (KAJ)
)	
AMBERWAVE SYSTEMS)	
CORPORATION,)	DEMAND FOR JURY TRIAL
)	
Defendant.)	

AMBERWAVE'S REPLY TO PLAINTIFF'S COUNTERCLAIM

Defendant AmberWave Systems Corporation ("AmberWave") responds as follows to the counterclaim brought by Intel Corporation ("Intel") (D.I. 15):

1-37. Paragraphs 1 through 37 of Intel's Reply to Amended Answer and Counterclaim and Plaintiff's Counterclaim contain Intel's response to the counterclaim filed by AmberWave on August 1, 2006 and therefore do not require a response from AmberWave. To the extent any allegations in paragraphs 1 through 37 require a responsive pleading, AmberWave denies those allegations.

38. In response to paragraph 38, AmberWave admits that the patent laws are codified at 35 U.S.C. § 1 *et seq.* and the rules regarding jurisdiction are set forth in 28 U.S.C. §§ 2201, 2202, and 1338(a). These statutes speak for themselves.

39. In response to paragraph 39, AmberWave re-alleges and incorporates herein by reference its responses to paragraphs 3 through 8 of AmberWave Systems Corporation's Amended Answer and Counterclaim, filed August 1, 2006 (D.I. 10).

40. In response to paragraph 40, AmberWave re-alleges and incorporates herein by reference its responses to paragraphs 38 and 39.

41. In response to paragraph 41, AmberWave denies each and every allegation contained therein.

42. In response to paragraph 42, AmberWave denies each and every allegation contained therein.

43. In response to paragraph 43, AmberWave denies each and every allegation contained therein.

FIRST DEFENSE

44. Intel's counterclaim is improper because it was brought in violation of Federal Rule of Civil Procedure 7(a).

SECOND DEFENSE

45. Intel's counterclaim fails to state a claim for which relief can be granted.

PRAYER FOR RELIEF

WHEREFORE, AmberWave prays for relief from the Court as follows:

- A. Dismiss, with prejudice, Intel's counterclaim;
- B. Award AmberWave its reasonable attorneys' fees, costs, and expenses incurred in defending against the counterclaim; and
- C. Award AmberWave such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

AmberWave hereby demands a trial by jury on any issue triable of right by a jury.

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September 11, 2006

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CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2006 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to Karen Elizabeth Keller.

I further certify that I caused copies of the foregoing document to be served on September 11, 2006 upon the following in the manner indicated:

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